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6 **UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**

8 UNITED STATES OF AMERICA,)
9 Plaintiff, and)
10 GILA RIVER INDIAN COMMUNITY,)
11 Plaintiff in Intervention and)
12 SAN CARLOS APACHE TRIBE,)
13 Plaintiff in Intervention,)
14 vs.)
15 GILA VALLEY IRRIGATION)
16 DISTRICT, et al.,)
17 Defendants.)
18)
19)

Case No.: CV31-59-TUC-SRB
(a/k/a Globe Equity No. 59)
(Assigned to Hon. Susan R. Bolton)
GILA WATER COMMISSIONER'S
ORDER OF APPORTIONMENT
No. 2-2020
and
ALLOCATION OF
APPORTIONMENT No. 2-2020 TO
UVD TBI ACRES
and
WATER COMMISSIONER'S ORDER
OF REALLOCATION OF
APPORTIONMENT No. 1-2020

20 Article VIII (2) of the Decree entered on June 29, 1939 in the above-entitled cause
21 provides that on the first day of January of each calendar year, or as soon thereafter as
22 there is water stored in San Carlos Reservoir [the "Reservoir"], which is available for
23 release from Coolidge Dam for conveyance to and diversion on the lands of the San
24 Carlos Project, the Gila Water Commissioner shall apportion for the ensuing irrigation
25 year, to the Upper Valley Defendants [UVDs] an amount of water equal to the available

1 storage [after appropriate deductions for losses] and shall permit the diversion of said
2 amount of water from the natural flow of the Gila River for irrigation of the lands of the
3 UVDs in disregard of the prior rights of the plaintiff but within the duty of water
4 limitations of the Decree [6 acre-feet per acre during each irrigation season] and subject
5 to the actual consumptive use limitation of Article VIII (2).

6 Articles IX and X of the Decree provide that when, under the rule and method of
7 apportionment stated in Article VIII, there is apportioned to the UVDs an amount of
8 water from the natural flow of the Gila River, there also shall be apportioned to the
9 parties named in Articles IX and X, for the purposes therein specified, an amount of
10 water per acre corresponding with the amount per acre apportioned to the UVDs under
11 Article VIII.

12 The Court has ordered that only lands then being irrigated [TBI] may receive
13 natural flow of the Gila River. Therefore, in allocating the apportionments made pursuant
14 to Article VIII (2), the Commissioner allocates the water apportioned to the UVDs to the
15 lands reported as TBI. Because the amount of acreage reported as TBI may change from
16 time to time, when the TBI acreage changes, it is necessary and appropriate for the
17 Commissioner to re-allocate the amount of water apportioned under Article VIII (2) to
18 the revised number of TBI acres. However, the total amount of water calculated and
19 apportioned pursuant to Article VIII (2) does not change unless there has also been an
20 additional apportionment because of added stored water available for release in the
21 Reservoir.

22 As of April 18, 2020 the UVD TBI Acreage had increased from 10,357.72 acres to
23 26,590.69 acres. Accordingly, the original apportionment of 38,242 acre-feet as of
24 January 1, 2020 must be reallocated to the number of UVD TBI acres on April 18, 2020,
25 and the original allocation of apportionment per TBI acre of 3.37 acre-feet must be
decreased to 1.44 acre-feet of water per TBI acre.

1 **IT IS ORDERED** decreasing the original allocation of apportionment of 3.37
2 acre-feet per UVD TBI acre to 1.44 acre-per acres per UVD TBI acre effective as of
3 April 18, 2020.

4 Article VIII (2) further provides that the Commissioner shall make additional
5 apportionments from time to time if and when water shall flow into the Reservoir and
6 shall be stored there and become added to the available stored water in the Reservoir,
7 which apportionments shall be made and calculated in the same manner as the first
8 apportionment.

9 THEREFORE, under the authority contained in Article VIII (2) of the Gila Decree
10 [and after appropriate deductions for losses] an additional apportionment is made to the
11 UVDs as of April 18, 2020 in the amount of 125,947 acre-feet of water. Based upon
12 26,590.69 UVD TBI acres as of April 18, 2020 there are allocated an additional 4.74 acre
13 feet of water to each UVD TBI acre. Attached hereto is the computation sheet for
14 apportionment and allocation of apportionments.

15 Notwithstanding the total amount of water apportioned or the allocation of the
16 total apportionment to TBI acres, the Commissioner will not permit the 6 acre-feet
17 limitation to be exceeded.

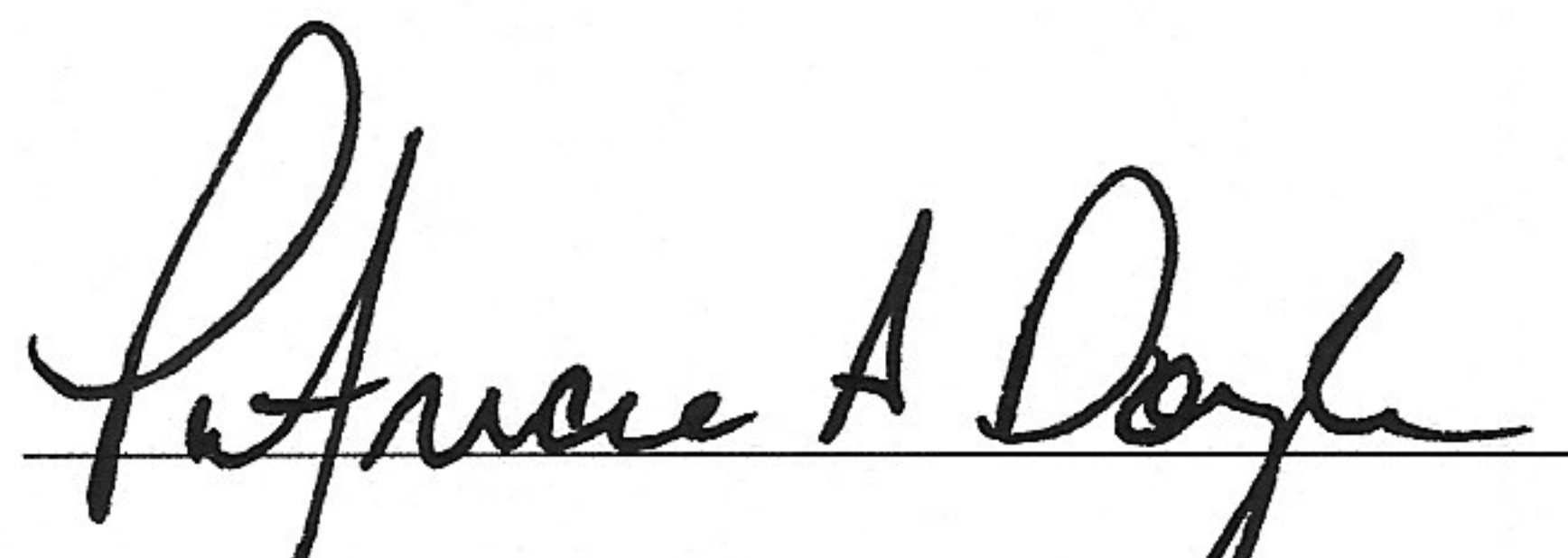
18 **IT IS ORDERED**, under the authority contained in Article VIII (2) of the Gila
19 Decree [and after appropriate deductions for losses] an additional apportionment is made
20 to the UVDs as of April 18, 2020 in the amount of 125,947 acre-feet of water. Based
21 upon 26,590.69 UVD TBI acres as of April 18, 2020, there is allocated an additional 4.74
22 acre-feet of water to each UVD TBI acre.

23 **FURTHER**, under the authority contained in Articles IX and X of the Decree
24 there is apportioned an equivalent amount of water per acre to the lands and for the
25 purposes specified in Articles IX and X of the Gila Decree.

PROVIDED, however, and notwithstanding the foregoing, diversions from the natural flow of the Gila River shall not exceed the duty of water limitations of the Decree or the limitations otherwise specified in Articles IX and X of the Decree.

The above apportionments are in addition to and not exclusive of the right to divert in regular order of priority when the same is available, limited to a maximum diversion of six acre-feet per acre of apportioned and priority water, and also limited, as appropriate, to actual consumptive use of 120,000 acre-feet of water per year as determined by the method set forth in the Decree.

SO ORDERED this 13th day of May 2020



Patricia A Doyle
Gila Water Commissioner

**Computation of apportionment and allocation of apportionment
San Carlos Reservoir**

Lake elevation 2400 hrs. April 18, 2020	2454.23	
Available storage		20,7834 ac-ft
Less Minimum Pool		<u>- 1 ac-ft</u>
		20,7833 ac-ft
Estimated evaporation, transit & seepage loss		<u>-43,645 ac-ft</u>
		164,188 ac-ft
Less Previous Apportionment No. 1-2020		<u>- 38,242 ac-ft</u>
		125,946 ac-ft
Total Available for apportionment No. 2-2020		125,946 ac-ft

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Apportionments for calendar year 2020:

Reallocation of Apportionment No. 1-2020	
(26,590.69 acres TBI Storage of 38,242)	1.44 a/f/a
Apportionment No. 2-2020	
(26,590.69 acres TBI Storage of 125,946 ac-ft)	<u>4.74 a/f/a</u>
Total Apportionments per UV TBI acre	6.17 a/f/a